

211A 2828 PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
MINORU TAKEBE et al.  
Serial No. 09/284,935  
Filed: April 21, 1999  
For: BENEFICIAL MICROORGANISM PROPAGATION-  
PROMOTING MATERIAL AND A PROCESS FOR  
PREPARING THE SAME

BOX PCT

LETTER

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

In response to the Notification of Missing Requirements Under 35 USC 371 dated

May 24, 1999, Applicant respectfully submits that a communication was already sent to the Patent Office on May 3, 1999 via United States Express Mail which included the Declaration & Power of Attorney and the \$130.00 surcharge for the late filing thereof. A copy of the entire communication, which also included an Assignment, Recordation Cover Sheet and Mailing Certificate, is enclosed herewith along with a copy of the returned postcard indicating receipt at the Patent Office.

Applicant therefore respectfully submits that no further documents or fees are required from Applicant at this time. If, however, further fees are required, please charge those fees to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA &amp; ANDROLIA

10100 Santa Monica Boulevard  
Suite 2340  
Los Angeles, CA 90067  
(310) 277-1391  
(310) 277-4118 -fax  
WLA/kaq

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents and Trademarks, Washington, D.C. 20231 on 5-27-99.

WILLIAM L. ANDROLIA (date of deposit)

Typed or printed name of person signing this certificate

[Signature] 5-27-99  
Signature Dated

I hereby certify that this correspondence is being deposited with the United States Postal

Service as Express Mail No. EL375784614US addressed to:

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

COPY

on May 3, 1999 by Kimberly A. Quinlan

Dated: May 3, 1999

By: Kimberly A. Quinlan

211A 2828 PCT

NAKAO & ITO

Inventors:

MINORU TAKEBE and MASAKAZU MORIMOTO

Internat'l App. No.

PCT/JP98/03719

For:

BENEFICIAL MICROORGANISM PROPAGATION-PROMOTING  
MATERIAL AND A PROCESS FOR PREPARING THE SAME

EXPRESS MAIL NO.  
EL375784614US

211A 2828-PCT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
MINORU TAKEBE et al.  
International Application No. PCT/JP98/03719  
Serial No. 09/284,935  
Filed: April 21, 1999  
For: BENEFICIAL MICROORGANISM PROPAGATION-  
PROMOTING MATERIAL AND A PROCESS FOR  
PREPARING THE SAME

ATTN: BOX PCT

**COPY**

**LETTER**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

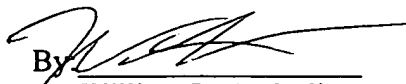
In regards to the above-identified application which was entered into the U.S. National Stage without the Declaration of the inventors, a notification pursuant to 37 CFR 1.494(c) has not yet been issued or sent to the undersigned. However, pursuant to the instructions given to the undersigned by the PCT Help Desk, enclosed herewith please find an executed Declaration & Power of Attorney form and a check in the sum of \$130.00 as the late filing fee so that the requirements for this application can be met. Still further, enclosed herewith please find an Assignment, Recordation Form Cover Sheet and a check in the sum of \$40.00 as the recordation fee.

If any further fees are required by the acceptance of the enclosed forms, please charge those fees of KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

10100 Santa Monica Boulevard  
Suite 2340  
Los Angeles, CA 90067  
Tel: (310) 277-1391  
Fax: (310) 277-4118

By   
William L. Androlia  
Reg. No. 27,177

# DECLARATION AND POWER OF ATTORNEY

PATENT (U.S.A.)  
KODA & ANDROLIA  
ATTORNEY'S DOCKET NO.

211A 2828 PCT

As a below named inventor, I declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **BENEFICIAL MICROORGANISM**

**PROPAGATION-PROMOTING MATERIAL AND A PROCESS FOR PREPARING THE** the specification of which is attached hereto unless the following box is checked: **SAME**

☒ was filed on 04/21/1999 as United States Application Number or PCT International Application Number 09/284,935 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or Inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the appropriate line, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

**COPY**

## PRIOR FOREIGN APPLICATION(S)

COUNTRY	APPLICATION NUMBER	DATE OF FILING			PRIORITY CLAIMED
		Month	Day	Year	
Japan	225296/1997	08	21	1997	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

APPLICATION NUMBER	FILING DATE	STATUS - PATENTED, PENDING, ABANDONED
PCT/JP98/03719	08/21/1998	Pending

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

**WILLIAM L. ANDROLIA, REG. NO. 27,177; H. HENRY KODA, Reg. No. 27,729; ALEX CHARTOVE, Reg. No. 31,942.**

SEND ALL CORRESPONDENCE TO:

**KODA & ANDROLIA**  
10100 SANTA MONICA BLVD., SUITE 2340  
LOS ANGELES, CALIFORNIA 90067

DIRECT TELEPHONE CALLS TO:

**KODA & ANDROLIA**  
(310) 277-1391

201	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
		MINORU	TAKEBE		TOKYO	JAPAN
202	Post Office Address	6-2, Otemachi 2-chome, Chiyoda-ku, Tokyo 100-0004, Japan				CITIZENSHIP
		Japan				Japan
203	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
		MASAKAZU	MORIMOTO		TOKYO	JAPAN
204	Post Office Address	6-2, Otemachi 2-chome, Chiyoda-ku, Tokyo 100-0004, Japan				CITIZENSHIP
		Japan				Japan
205	Name of Inventor	FIRST NAME	LAST NAME	MIDDLE NAME	Residence CITY	STATE or COUNTRY
206	Post Office Address					CITIZENSHIP

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202
DATE April 22, 1999	DATE April 22, 1999
SIGNATURE OF INVENTOR 203	SIGNATURE OF INVENTOR 204
DATE	DATE

☐ Additional inventors are named on separate Declarations attached hereto.

KODA & ANDROLIA  
10100 SANTA MONICA BOULEVARD  
SUITE 2340  
LOS ANGELES CA 90067

5611  
RECEIVED

MAY 1 1999

PCT/JP98/03719

I.A. FILING DATE

PRIORITY DATE

08/21/98

08/21/97

KODA & ANDROLIA

DATE MAILED:

05/24/99

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☒ a Designated Office (37 CFR 1.494),  
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☐ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 21 April 1999 and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address shown in the heading and include the U.S. application no. shown above (37 CFR 1.51).